

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NICOLE WAGONER.,

Plaintiff,

v.

Civil Action No. 1:07-cv-133

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

**ORDER GRANTING PLAINTIFF'S APPLICATION TO PROCEED IN FORMA
PAUPERIS**

On September 27, 2007, Nicole Wagoner, ["Claimant"], filed a complaint for review of Defendant's denial of her application for Social Security benefits pursuant to 42 U.S.C. § 405(g) and 42 U.S.C. § 1381(c)(3) and an Application for Leave to Proceed in forma pauperis.

Claimant's application reveals she is presently employed with Coordinating Council for Independent Living and is paid \$240 per month. Within the past twelve months, Claimant has received income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirements or annuity payments from her employer in the amount of \$12.71 and \$54.44. Claimant does not have any cash or money in a savings or checking account. Claimant does not own any real estate, stocks, bonds, notes, automobiles or other valuable property. Claimant is separated or divorced and does not have any dependents.

Accordingly, it is ORDERED that Claimant's September 27, 2007 Application to Proceed in forma pauperis is GRANTED. **This Court notes that Claimant's IFP application states Claimant is employed, which appears on its face to be inconsistent with her claim for disability benefits.** The Clerk of the Court is directed to notify the United States Marshal

Service who shall serve process pursuant to Federal Rule of Civil Procedure 4(c)(2). Any recovery in this action will be subject to payment of fees and costs, including service of process fees and the \$350.00 filing fee.

DATED: October 3, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE